

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

**In re:** Susan Tortora Maupin,  
Debtor.

**Chapter 13  
Case No. 07-61051-WEA**

**CREDITOR'S OBJECTION TO DEBTOR'S CHAPTER 13 PLAN  
AND MEMORANDUM IN SUPPORT AND NOTICE OF OBJECTION AND HEARING**

COMES NOW, C&F Finance Company, a Virginia corporation, formerly known as Moore Loans, Inc. (the "creditor"), by counsel, and for its Objection to Debtor's Chapter 13 plan, respectfully represents to the Court as follows:

1. The Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§157 and 1334 relating to the Petition for Relief of Susan Tortora Maupin (the "debtor"), filed on June 8, 2007, under 11 U.S.C. Chapter 13, the case number shown above, now pending in the United States Bankruptcy Court, Western District of Virginia, Lynchburg Division.

2. This is a "core proceeding" pursuant to 28 U.S.C. §157(b)(2)(L).

3. This objection is filed pursuant to 11 U.S.C. §§1322, 1323, and 1324, Federal Rule of Bankruptcy Procedure 3015 and Local Bankruptcy Rule 3015-3.

4. The creditor is the holder of a certain Retail Installment Sale Contract (the "Contract"), signed by the debtor, dated April 22, 2004, in the amount of \$14,579.48 with interest at 17.99% per annum. The total amount of the Contract was \$23,361.40.

5. The creditor has a valid properly perfected security interest in a certain 2003 Ford

Taurus, vehicle identification number 1FAFP55U83G170414 (the “vehicle”). Said vehicle was acquired by debtor for her personal use.

6. At the time the petition was filed by the debtor, the creditor’s claim was \$9,442.61. The fair market value of the vehicle, according to the applicable N.A.D.A. used vehicle valuation guide, at the time of the filing of the Petition was \$8,375.00.

7. The debtor’s Chapter 13 Plan does not provide adequate protection for the said secured debt pursuant to 11 U.S.C. §361, because debtor’s Chapter 13 Plan proposes to pay the creditor \$6,725.00 in deferred payments with interest at a rate of 6%, an amount less than the equivalent of 100% of the above stated present fair market value of the collateral to which the creditor is entitled, in direct contradiction to both the contract and the proof of claim that was timely filed by the creditor.

8. The value of the property to be distributed under the debtor’s Chapter 13 plan on account of the claim held by the creditor is less than the allowed amount of such claim.

9. No objection has been raised by the debtors or the Trustee to creditor’s proof of claim.

**WHEREFORE**, for the reasons stated herein, Creditor respectfully moves the Court to deny confirmation of the Debtor’s Proposed Chapter 13 Plan as filed with the Court, and for such other and further relief as the Court deems just.

**C&F FINANCE COMPANY**, a Virginia corporation,

By: /s/ Paul McCourt Curley  
Of Counsel

CANFIELD, BAER, HELLER & JOHNSTON, LLP  
Paul McCourt Curley VSB No. 43974  
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Richmond, Virginia 23230  
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*Counsel for C&F Finance Company*

### NOTICE OF MOTION (OBJECTION) AND HEARING

C&F Finance Company, by counsel, has filed the foregoing motion (objection) with the court objecting to the confirmation of the Chapter 13 plan of the above-captioned debtors and the Court has set a hearing on the objection to be held on **August 20, 2007 at 9:30 a.m.** in the United States Bankruptcy Court for the Western District of Virginia, Lynchburg Division, located at 255 W. Main Street, 200 U.S. Courthouse, Charlottesville, Virginia 22901.

Date: July 24, 2007

/s/ Paul McCourt Curley  
Paul McCourt Curley VSB No. 43974  
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*Counsel for C&F Finance Company*

### CERTIFICATE OF SERVICE

I, Paul McCourt Curley, hereby certify that on July 24, 2007 I have served a true copy of the foregoing Objection and Notice of Hearing, by electronic means or first class mail, postage paid, upon all necessary parties as follows:

Herbert L. Beskin, Esquire  
Chapter 13 Trustee  
P.O. Box 2103  
Charlottesville, Virginia 22902

Susan Tortora Maupin  
2310 B Crestmont Avenue  
Charlottesville, Virginia 22903

Marshall Moore Slayton, Esquire  
420 Park Street  
Charlottesville, Virginia 22902

/s/ Paul McCourt Curley